

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT)	
OF THE COST SUPPORT MATERIAL FILED)	
WITH SOUTH CENTRAL BELL TELEPHONE)	CASE NO. 93-226
COMPANY'S PROPOSED SPECIAL PROMOTION)	
OF ESSX ISDN SERVICE TARIFF)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed June 25, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, demand, and contribution projections, and cost support developed in connection with South Central Bell's proposed special promotion of ESSX ISDN Service on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell has introduced a new service referred to as ESSX ISDN Service and is seeking approval of its proposal to waive certain installation charges for customers who subscribe to this service. In support of its application, South Central Bell has provided revenue, demand, and contribution projections, and cost support developed in connection with this new service which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central

Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for ESSX service are providers of PBX equipment. Disclosure of the information sought to be protected would allow providers of such equipment to determine South Central Bell's costs and contribution from ESSX service which competitors could use to market their competing services to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell

competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the revenue, demand, and contribution projections, and cost support developed in connection with ESSX ISDN Service, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 14th day of July, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director